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**JUN 27 2005**

**OFFICE OF PETITIONS**

In re Application of :  
David R. Hembree :  
Application No. 10/624,332 : DECISION GRANTING PETITION  
Filed: July 22, 2003 : UNDER 37 CFR 1.313(c)(2)  
Atty Dkt No. 3592.8US (97-0321.08/US) :

This is a decision on the petition, filed June 17, 2005, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.


The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination).  
See 37 CFR 1.313(c)(2).

***Petitioner is advised that the issue fee paid on February 18, 2005 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>***

Telephone inquiries should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 2812 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of an Information Disclosure Statement.

  
Frances Hicks  
Petitions Examiner  
Office of Petitions

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<sup>1</sup> The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).